



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SK/JMH
F. #2013R00948

610 Federal Plaza
Central Islip, New York 11722

August 4, 2021

By ECF and Email

The Honorable Joseph F. Bianco
Visiting United States Circuit Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Phillip A. Kenner
Criminal Docket No. 13-607 (JFB)

Dear Judge Bianco:

The government respectfully submits this letter to provide the Court with the requested summary chart of the restitution awards against the above-referenced defendant that were imposed by the Court on July 30, 2021 (“the July 30 Hearing”). A transcript of the July 30 Hearing is enclosed as Exhibit A (cited herein as “Tr.”).

In summary, at the July 30 Hearing, the Court adopted the government’s revised restitution requests as set forth in ECF 1024, not to include any offsets or credits as to Northern Trust; the supplemental requests set forth in ECF 1082; and \$200,000 in losses suffered by victims Ethel Kaiser, Robert Rizzi, and Theodore Hughes, previously summarized in ECF 765. See Tr. at 20, 30. The Court then pronounced the specific restitution awards as to each victim; however, the government neglected to alert the Court to include the amounts due to Rizzi and Hughes. Accordingly, the government includes the Rizzi and Hughes losses in the chart below so they may be included in the Court’s final award calculations at the hearing set for this coming Friday, August 6, 2021. The government also provides a revised total amount of restitution awarded, incorporating these additional awards.

Victim Name	Scheme	Amount	Citation¹
Berard, Bryan	Hawaii	100,000.00	35:10-11
Berard, Bryan	Line of Credit	649,405.00	35:11
Berard, Bryan	Ledbetter	375,000.00	35:11
Campbell, Brian	Hawaii	100,000.00	39:12
Campbell, Brian	GSF	250,000.00	39:12-13
DeVries, Greg	Hawaii	100,000.00	39:06
Devries, Greg	Eufora	100,000.00	39:06-07
Devries, Greg	GSF	250,000.00	39:07
Gonchar, Sergei	Line of Credit	856,668.00	34:11
Hughes, Theodore	Hawaii	66,666.67	ECF 765
Kaiser, Ethel	Hawaii	66,666.67	35:12-13
Kaiser, John	Hawaii	1,080,000.00	35:13
Kaiser, John	Eufora	200,000.00	35:14
McKee, Jay	GSF	250,000.00	36:19-20
Murray, Glen	Hawaii	57,447.00	36:20
Murray, Glen	Line of Credit	1,242,769.00	36:21-22
Murray, Glen	Eufora	250,000.00	36:21
Murray, Glen	GSF	250,000.00	36:21
Murray, Raymond	GSF	100,000.00	39:13-14
Nash, Tyson	Hawaii	57,447.00	36:22
Nash, Tyson	Eufora	100,000.00	36:22

¹ All citations are to the transcript of the July 30 Hearing, unless specifically noted otherwise. See Tr., Ex. A.

Victim Name	Scheme	Amount	Citation¹
Nash, Tyson	GSF	100,000.00	36:22-23
Nolan, Owen	Line of Credit	2,113,804.00	38:01
Norstrom, Mattias	Hawaii	100,000.00	39:08
Norstrom, Mattias	Line of Credit	1,211,897.81	39:09
Norstrom, Mattias	GSF	250,000.00	39:09-10
Peca, Michael	Hawaii	100,000.00	38:12
Peca, Michael	Line of Credit	1,794,392.00	38:15
Peca, Michael	Eufora	100,000.00	38:18
Peca, Michael	GSF	250,000.00	38:18
Privitello, Nicholas	Eufora	200,000.00	38:18-19
Ranford, William	Eufora	400,000.00	38:19
Ranford, William	GSF	300,000.00	38:19-20
Rizzi, Robert	Hawaii	66,666.67	ECF 765
Rucchin, Steven	Hawaii	57,447.00	38:20
Rucchin, Steven	Line of Credit	1,010,645.00	38:20-21
Rucchin, Steven	Eufora	150,000.00	38:21
Rucchin, Steven	GSF	50,000.00	38:21
Stevenson, Turner	GSF	100,000.00	38:21-22
Stevenson, Turner	GSF	100,000.00	39:17
Sydor, Darryl	Hawaii	60,000.00	38:22
Sydor, Darryl	Line of Credit	856,200.00	38:23
Sydor, Darryl	Eufora	50,000.00	38:23
Sydor, Darryl	GSF	250,000.00	38:23-24

Victim Name	Scheme	Amount	Citation¹
Tsyplakov, Yelena (Vladimir)	Hawaii	50,000.00	39:14-15
TOTAL	-	\$16,223,121.82	-

At the July 30 Hearing, the government calculated a total restitution amount of \$16,300,000.48. Tr. 40:01-06. The government's calculation was incorrect in two respects. First, it did not include the awards to Rizzi and Hughes that the Court adopted (an increase of \$133,333.34). Second, the list of subtotals the government used to calculate the overall total inadvertently did not incorporate the offsets attributable to the recovery of residual Hawaii funds by Gonchar, Glen Murray, Nash, Rucchin, and Sydor (a decrease of \$210,212.00).

Respectfully submitted,

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By: _____ /s/
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Enclosures (Tr. of July 30 Hearing, Ex. A)

cc: Clerk of Court (JFB) (By ECF)
Phillip A. Kenner, *pro se* (By U.S. Mail)
Matthew Brissenden, Esq. (Standby Counsel) (By ECF and Email)